



# PUBLIC INTEREST COALITION



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[sent via email and fax]

July 7, 2013

Loomis Town Council  
3665 Taylor Rd.  
Loomis, CA 95650

Ladies and Gentlemen:

RE: July 9, 2013 Agenda Item 9: "Ordinance Revisions"

We urge a **no** vote on the "Ordinance Revision" that will come before you on July 9, 2013. The current appointment/removal ordinance provides a responsible and legal process that is followed by the vast majority of all elected bodies—for good reason. Eliminating "subject to a confirmation vote by a majority" of the Loomis Town Council will have dire consequences.

1—The justification for the modification ("... so that Council members retain control and responsibility for both appointment and removal...") will tie the council's hands if an obviously unqualified appointment is made and/or if/when removal (including "for cause") is justified. The Ordinance Revision illogically prohibits any responsible council action and precludes the council from performing its duties. Irrational and/or "political pay off" and/or repetitive turnovers of appointments/removals may be made by any one council member, with the very likely potential to create huge controversies. The Ordinance Revision provides no recourse for the entire council to remedy any such fiascos.

To remove the "majority vote" condition creates a powerless council and removes an important safety "check/balance" in the event a "rogue" council member's actions become unreasonable with appointments/removals. The existing policy's majority vote policy reassures citizens that council decisions can be trusted by employing the collective wisdom of the entire council with regard to appointments/removals.

2—If the Ordinance Revisions are adopted, Planning Commissioners will be more inclined to judge and vote on proposals with personal priority agendas in mind to the detriment of proposals' merits, or benefits/negative impacts to the Town. Commissioners will make decisions more as political pawns. Why waste time studying staff reports? Simply ask the council member which way to vote, which leads to: Why have a Planning Commission at all?

Without the safeguard of a "vote by a majority" of the Town Council, Planning Commission decisions will always be tainted by suspicions (valid or not) that politics and/or undue influence and "cronyism" influenced their votes. Commissioners must be able to study and judge proposals based on legal considerations as well as value—not on whether they will be removed at the whim of a council member. Requiring a majority vote of the Town Council provides an important protection for the community.

Appointees should not be micro-managed or "ordered" (overtly or subtly) by the appointing official to vote in a certain manner or be subject to removal without cause. All public officials should be insulated from political pressures when performing civic duties.

However, if the "Ordinance Revision" is adopted: Will Planning Commission appointees be making important, ethical planning decisions with one eye looking over their shoulder and be focused more on pleasing the council person who appointed them than what's best for the Town of Loomis?

Keep the existing ordinance intact and allow appointment/removals to be made **by the entire council**. Instead of private or personal relationships governing the process and the Town of Loomis, the entire council can better judge an individual's attributes and ability to serve with regard to character, knowledge, judgment skills, experience, integrity, work ethic, time, and other qualities a jurisdiction may value via the democratic process.

The existing Loomis Town Ordinance regarding the appointment/removal of Planning Commissioners provides protection to the Town of Loomis and ensures better chances of obtaining a broad-based, qualified Planning Commission. It provides Planning Commissioners with a much-needed, reasonable degree of autonomy and increases opportunities to make sound planning decisions based on merit rather than "horse trading."

Thank you for considering our views,



Marilyn Jasper, Chair

cc Town Manager Rick Angelocci

## Cricket Strock

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**Subject:** FW: A dangerous ordinance

**TO:** Loomis Town Council

**CC:** Town Manager

Town Attorney

News Media

**FROM:** Bill Branch, Loomis Resident

**DATE:** July 8, 2013

**SUBJECT:** **PROPOSED ORDINANCE / REMOVAL OF PLANNING COMMISSIONERS**

The explosive proposal by Mayor Walt Scherer to quietly upend the Town's longtime process for appointing and removing members of the Planning Commission – without adequate notice to the public -- has touched off instant outrage and concern on **both sides of the political divide**, the likes of which I have seldom seen in the 27 years since the town incorporated.

Having closely followed Loomis politics ever since I played a key role in the town's incorporation, I think I can safely say that this is probably the most disturbing ordinance that has ever been proposed in this town. Here are just a few of the reasons why the proposed ordinance is a terrible idea which could pave the way for serious abuse and, yes, even potential corruption.

1. The proposed ordinance appears to be a glaring violation of the Council's own longstanding "Standard Operating Procedures," which on page 7 says: "Members of the Town Council should not attempt to influence [Planning] Commission or committee recommendations, or to influence or lobby individual Council or committee members on any item under their consideration." Under the proposed ordinance, you don't even have to try to influence them – you just fire them if they don't vote the way you want them to.
2. The sole purpose of this hurry-up ordinance – which miraculously appeared out of nowhere with no advance warning to public or press -- is a frantic effort by Mayor Walt Scherer to unilaterally fire Planning Commissioner Janet Thew, whose only offense was her off-duty action as a private citizen to ask the Attorney General to determine whether a member of this Town Council is violating the "incompatible offices" law. Just days after defending Thew's free speech rights in an email to her, the mayor suddenly changed his mind days later and abruptly demanded that Thew resign. She refused, insisting she has done nothing wrong. The mayor warned her that because of her refusal, "it's going to get ugly." Apparently this ordinance is her punishment. We shouldn't be passing drastic, sweeping ordinances just because of personal grudge matches.
3. The irony of all this is that the proposed ordinance isn't even needed to fire Thew. If a majority of the Council really did want to fire her for merely exercising her free speech rights – which would embarrass the Town and guarantee explosive headlines – they already have the power to do that. All it would take is a majority vote. The ordinance is a solution without a problem.
4. By deliberately removing any requirement for confirmation by a majority of the Council – either in hiring or in firing – you are removing one of the most basic safeguards in a democracy, a safeguard against rogue Council members and/or rogue Planning Commissioners.
5. The ordinance would totally remove any oversight over the Planning Commission by the Council as a whole – either in the hiring or the firing of Planning Commissioners. You were elected to exercise oversight over all functions of Town government, including the Planning Commission. The voters will not look kindly upon it if you deliberately abdicate that responsibility to exercise oversight.

6. It would turn the Planning Commission into mere puppets of individual Council members. To avoid the risk of being instantly fired, Planning Commissioners would feel compelled to check with the Council member who appointed them before every important vote on big development issues to find out how to vote. The Planning Commission would become a laughing stock.
7. Critics are calling it the "Walt Scherer Hand-Puppet Ordinance."
8. It would open the door in Loomis for a scandalous practice for which the California Legislature has received scathing criticism for decades. I refer to the procedure for which Willy Brown was notorious whereby a Speaker of the Assembly will sometimes remove a legislator from a particular committee for just one day – replacing them with a different legislator who will vote the way the Assembly Speaker dictates on a particular bill – thus assuring passage of a bill the Speaker is interested in. This proposed ordinance would enable precisely that kind a manipulation in Loomis.
9. There would no longer be any need for a Planning Commission, if they are merely casting proxy votes for the Council member who appointed them. Why not save money, drop the pretense, and just let the Town Council change hats periodically and also sit as the Planning Commission. In effect, that's what you would be doing under the proposed ordinance.
10. Very few qualified citizens will be willing to serve on the Planning Commission, if their only job is to unthinkingly cast proxy votes for the person who appointed them -- or risk being fired. And, on top of all this, the proposed ordinance is now going to take away their pitifully meager \$50 per month stipend? Now they not only have to risk being fired if they vote wrong, but they don't even get paid chump change for being a robot? Lots of luck finding somebody.
11. This Council has spent more than two years carefully studying possible changes to the Town's tree ordinance, amidst various public hearings, public comment and endless testimony at Council meetings. And yet a drastic ordinance which would totally upend a major part of the Town's governing structure is rushed to a first reading and an immediate vote the first night it is introduced, with absolutely no advance warning to the public and press? A basic change in governance this drastic is entitled to at least as much care and attention as you devoted to trees.
12. That a drastic change of this nature was quietly revealed without any advance warning just one day before a long holiday weekend when so many Loomis citizens were away or unplugged – a measure that was suspiciously rushed to an immediate vote before the public could comprehend what was happening – bears a disturbing resemblance to the way Washington, DC, tends to release bad news just before a long holiday weekend. These suspicions were heightened when Mayor Scherer was quoted as telling some people that he was trying to keep it out of the press so the Town wouldn't look dysfunctional. The way to stop looking dysfunctional is to stop doing dysfunctional things like this.
13. Mayor Scherer needs to explain to the Council, to the press, and to the public, how this shocking ordinance managed to get this far without the press and public being aware of it. It is presented in the agenda packet as being a staff recommendation – but it's obvious that Mayor Scherer was the main person (possibly the only person) pushing for it – an accusation he has not denied. Was this ordinance discussed with any other Council members before it was abruptly scheduled for a vote? If so, how was staff able to discuss it with Council without violating the Brown Act?

This proposed ordinance is an embarrassment to the Town and the Council which should promptly be relegated to the graveyard of bad ideas.

Bill Branch  
6605 Wells Avenue  
Loomis

## Cricket Strock

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**From:** Rick Angelocci  
**Sent:** Tuesday, July 09, 2013 8:08 AM  
**To:** walt Scherer; wheeler@loomisfire.org; Miguel Ucovich; rhonda.morillas@gmail.com; SANDRA C.  
**Cc:** Mitchell, Jeffrey A.; Cricket Strock  
**Subject:** FW: Comments on 7/9 Agenda Item 9 - Ordinance Revisions

FYI

Rick Angelocci  
Loomis Town Manager  
(916) 652-1840 ext. 15



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**From:** Gary Liss [mailto:garyliss@mindspring.com]  
**Sent:** Monday, July 08, 2013 6:54 PM  
**To:** Rick Angelocci  
**Cc:** gary@garyliss.com; 'Jeff Michell'  
**Subject:** Comments on 7/9 Agenda Item 9 - Ordinance Revisions

Rick,

I would like to comment on Agenda Item 9, "Ordinance Revisions" for the 7/9 Town Council meeting.

First of all, I believe this item was incorrectly agendized, as the agenda title does not give the reader enough information to know what the item is all about. And, there are actually 2 separate, unrelated topics in this one agenda item, one of which does not have anything to do with an immediate Ordinance Revision on 7/9 like the other one does.

### Park Development Fees

Regarding the issue of how Park Development Fees are calculated on developers, as the staff report noted, since analyses done in 2004, Park Development Fees were based on parks the Town owned, as well as those that served Loomis residents at local schools and park land adjacent to the Town limits (e.g., Loomis Basin Regional Park on King Road owned and operated by the County). These calculations recognize the reality that many of the Town residents benefit from and use the school facilities and Loomis Basin Regional Park.

The proposed Ordinance change would eliminate the local school sites and the Loomis Basin Regional Park in the calculation. The effect of this change would be to reduce the fees charged to developers. This would reduce the amount of funds available to build more parks and recreation facilities that are needed. This change only benefits developers and not current or future residents of the Town.

The Town's General Plan recognizes that the provision of park and open space lands is one of the most important attributes in providing and maintaining the quality of life of the Town. The General Plan recognizes that open space and park lands are limited resources and that without budgetary and development standards committed to meeting the Town's needs, the opportunities for acquisition and protection of parks and open space lands may be lost forever as the Town develops. The Town General Plan adopted a standard of 5 acres per 1,000 residents and that should be enforced.

**Planning Commission appointments and removal process**

With regard to the proposal to change how Planning Commissioners are appointed and removed, the change proposed would eliminate the requirement that appointments and removals be approved by a majority of the Council and instead the appointing Councilmember could remove and make new appointments at any time without any reason given. This could result in a Planning Commission that is more divided and beholden to individual Councilmembers, rather than looking out for the whole community's interests. It could also have a stifling effect on Planning Commissioners who could feel threatened with dismissal if they say something that their appointing Councilmember doesn't like.

Adopted Council Policy until now has been exactly opposite in its intent. Adopted policy actually says that Councilmembers should NOT influence Commissioners at all (see excerpt below). The rationale for that is the Council reviews and decides on all appeals of decisions made by the Planning Commission. If Councilmembers place undue pressure on their appointees, it's the equivalent of eliminating the independent judgment of the Planning Commission. In effect, it means Councilmembers could vote twice on the same project, and eliminate their objectivity for any appeals process.

I believe this is coming forward at this time as retribution for comments that a Planning Commissioner made *outside the duties of the Planning Commission* with regard to a perceived conflict of interest of a Councilmember and has nothing to do with the business of the Planning Commission and doesn't warrant this extreme response. This is an attack on freedom of speech and should be stopped in its tracks.

I urge Council to **oppose staff's recommendations both on reduced fees for parks and changing the appointments and removal process for Planning Commissioners.**

Please email copies to all Councilmembers before the meeting.

Thanks!

Gary Liss  
4395 Gold Trail Way  
Loomis, CA 95650



**EXCERPT FROM TOWN STANDARD OPERATING PROCEDURES ON COUNCIL RELATIONSHIPS WITH COMMISSIONS**

*“Members of the Town Council should not attempt to influence Commission or committee recommendations, or to influence or lobby individual Council or committee members on any item under their consideration. It is important for commissions and committees to be able to make objective recommendations to the Town Council on items before them. Members of the Council that attempt to strongly influence Commission positions on an item may prejudice or hinder their role in reviewing the commission's/committee's recommendation as a member of the Town Council.”*

Source: Page 7, Town of Loomis Standard Operating Procedures, Section 1, “Operation of Planning Commission Meetings”, Section 3A, “TOWN COUNCIL RELATIONSHIP WITH TOWN COMMISSIONS AND COMMITTEES AND COUNCILMEMBER REPRESENTATION TO OTHER AGENCIES AND GROUPS.”

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**Subject:** FW: Letter To Town Council

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**From:** R. Smith [mailto:rdsmith2009@gmail.com]  
**Sent:** Sunday, July 07, 2013 11:01 PM  
**To:** Rick Angelocci  
**Subject:** Letter To Town Council

Rick - Please forward this letter to all Town Council members. Thanks.

TO: Loomis Town Council

July 7, 2013

SUBJECT: Planning Commission Policy

I hope you will NOT approve the current attempt to change the Town's policy regarding the appointment and removal of Planning Commission members.

It's important that Commission appointees not become subject to the whims and "political" needs of their appointing Council member.

Although the selection and appointment of a Commissioner is a privilege afforded each Council Person - with a "courtesy" approval vote by the Council - the removal of a Planning Commissioner, whose performance has proven their competence and dedication, should continue to require a valid cause, a public hearing and then a majority vote of the Council.

Don't turn our Planning Commission into a puppet show.

Thank you.

Roger Smith  
6755 Wells Ave.  
Loomis  
(916)316-4625

**Roger D. Smith**  
(916)316-4625 cell in ID

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**Subject:**

**FW: Proposed Planning Commissioner ordinance**

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**From:** Irene Smith [mailto:n8rlvr2009@gmail.com]

**Sent:** Monday, July 08, 2013 8:08 AM

**To:** Rick Angelocci

**Subject:** Proposed Planning Commissioner ordinance

TO:

Loomis Town Council Members

Loomis Town Manager

Loomis Town Attorney

I'm shocked by the proposal to change a long-standing ordinance regarding the way Town Planning Commissioners are "hired" and "fired" from their positions. First of all, the timing is very suspicious and secondly, the audacity of removing a very important "checks and balances" tenet is an insult to our democratic process and has the potential to reduce Commissioners to mouthpieces of the appointing Council member.

It is obvious who's behind this smelly mess and I'm ashamed of this person and those who cowardly acquiesced to this request to reconstruct an important principal in the democratic process of our Town to suit one's personal needs. I hope the Council sees through this charade and DENIES this proposed change to the current ordinance.

Irene Smith  
6755 Wells Ave.  
Loomis, Ca.

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**Subject:** FW: Planning Commission

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**From:** Jayne Parker [<mailto:fjparker36@hotmail.com>]

**Sent:** Tuesday, July 09, 2013 1:58 PM

**To:** Rick Angelocci

**Cc:** gary liss

**Subject:** Planning Commission

Rick;

We oppose the Town Council's recommendations that a Planning Commissioner can be removed from office by the appointing Council member only. It has been so this vote to remove a Planning Commissioner required a vote by the entire Council. The only fair way to realize a democracy within the Town of Loomis City Council would be by a majority vote from the entire Council to remove a person from the office of Planning Commissioner.

Sincerely,

Frank and Jayne Parker  
4435 Dias Lane  
Loomis

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**From:** Sonja Cupler [cuplerclan@sbcglobal.net]  
**Sent:** Tuesday, July 09, 2013 1:16 PM  
**To:** Rick Angelocci; Cricket Strock  
**Subject:** Opposition to Amending Chapter 2.36 Loomis Muni. Code

**NOTE: I would like this message to be included in the minutes of the Loomis Town Council Meeting on Tuesday, July 9, 2013.**

I am in strong opposition to the proposed amending of Chapter 2.36 of the Loomis Municipal Code. It gives one person on the Town Council too much control & power and could potentially create a situation of a "revolving door" of Planning Commissioners.

Our Town needs checks & balances in place and there should always be a consensus from our elected Town Council Members of who is on our Planning Commission. One Town Council Member should not be able to remove a Planning Commissioner on a whim or when it suits them politically.

Our Planning Commissioners should be in office to serve the people of the town, not the Council Member who appoints them.

Sincerely,

Sonja L. Cupler  
P.O. Box 363  
5630 Tudor Way  
Loomis, CA 95650  
home: 916-660-0468  
cell: 916-218-9411